

## CRIMINAL COURTROOM MINUTE SHEET

## DETENTION HEARING

DATE: Jun 25, 2019

CASE: M-19-333-STE

TIME IN COURT: 2.5 hours

COURTROOM: 401

MAGISTRATE JUDGE SHON T ERWIN

COURTROOM DEPUTY D WAYNE LEE

UNITED STATES OF AMERICA vs. JAMES CHRISTOPHER BENVIE

Defendant States true and correct name as: \_\_\_\_\_ AGE: \_\_\_\_\_

Government Cnsl: David Petermann

Defendant Cnsl: Bill Earley

U.S. Probation Officer: \_\_\_\_\_

Interpreter: \_\_\_\_\_

☒ Defendant Appears, custody of U.S. Marshal with Counsel☐ Defendant advised of his / her right of consular notification, \_\_\_\_\_☐ Court inquires of Government regarding notification of victim(s) under Justice for All Act.☐ Parties announce ready. ☐ Parties provided with a \_\_\_\_\_

## WITNESSES FOR GOVERNMENT

1. SA SHANDON DEVESTEY
2. \_\_\_\_\_
3. \_\_\_\_\_

## WITNESSES FOR DEFENDANT

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

- ☐ Government and Defendant make opening statement.
- ☐ Government withdraws request for detention and recommends defendant be released on bond with conditions per release Order.
- ☐ Defendant waives right to detention hearing. Waiver of Detention Hearing and Consent to Order of Detention pending further proceedings entered. Defendant remanded to custody of U.S. Marshal.
- ☐ Defendant requests the Detention Hearing be postponed at this time reserving the right to request a hearing at a later date should dft's circumstances change. Defendant remanded to custody of U.S. Marshal.
- ☒ Government introduces evidence with testimony of 1 witness(es) and rests.
- ☐ Defendant introduces evidence with testimony of \_\_\_\_\_ witness(es) and rests.
- ☐ Government ☐ Defendant rest(s) without introducing evidence.
- ☒ Government ☒ Defendant proffer(s) evidence and rests.
- ☒ Government ☒ Defendant make(s) closing statements.

## The Court Orders:

- ☐ The Court finds good cause to exceed the 3 and 5 day time limits provided by the Bail Reform Act. A detention hearing will not be held at this time based upon Defendant's circumstances. Should defendant's circumstances change, a detention hearing will be promptly held upon request of either party.
- ☒ Defendant detained pending trial; Detention Order to be entered. Defendant remanded to custody of USM.
- ☐ Unsecured Bond set at \_\_\_\_\_ with conditions per Release Order.
- ☐ Secured Bond set at \_\_\_\_\_ with conditions per Release Order as the Court finds that the release of the Defendant on a personal recognizance bond or unsecured appearance bond would not reasonably assure his / her appearance in court and the safety of the community.
- ☐ Defendant remanded to the custody of USM pending execution of bond.
- ☐ Defendant remanded to the custody of USM.

\*Govt. introduces exhibit; Govt. introduces photo Exhibits 1 and 2 for the Courts review. Gov. introduced and played a 12 min youtube.

As stated on the record Dft. is remanded to the custody of the U.S. Marshal with a delay of release pending Halfway House placement in Las Cruces. Dft. is released on \$5,000.00 Bond with Conditions per Release Order.